

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to adopt the following DCYF rule:

LAWFUL DETENTION OR CONFINEMENT OF JUVENILES

This new rule, in compliance with the federal court order relating to RI Training School residents and the accreditation standards of the American Correctional Association for Juvenile Training Schools and Juvenile Detention Facilities, provides that youth at the Training School are either detained or remanded under sentence by a valid order from a court of competent jurisdiction of the State of RI.

In the development of this rule, consideration was given to the following: (1) alternative approaches and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This proposed rule is accessible on the R.I. Secretary of State's website (<http://www.sec.state.ri.us/ProposedRules/>) and the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401 528-3685). Interested persons should submit data, views or written comments by April 5, 2010 Susan Bowler, Administrator for Families and Children, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903 (Susan.Bowler@dcyf.ri.gov).

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Lawful Detention or Confinement of Juveniles

Rhode Island Department of Children, Youth, and Families
Division of Juvenile Correctional Services: RI Training School

Policy: 1200.0010

Effective Date:

Version: 1

RI General Law (RIGL) 14-1-11 provides that “no child shall be ordered detained at the Training School unless there is pending against the child a petition setting forth facts which would constitute a felony or misdemeanor if committed by an adult or which alleges a violation of a valid court order, or unless the child is adjudged in contempt of court.” This statute also provides that no child shall be held at the Training School unless the Family Court determines at a probable cause hearing within five (5) business days of a resident’s detention that the resident poses a substantial risk of harm to self or others.

The Division of Juvenile Correctional Services accepts only youth at the Training School who are either detained or remanded under sentence by a valid order from a court of competent jurisdiction of the state of RI. It is the policy of the Department of Children, Youth and Families (DCYF) that abused, neglected, or dependent children and youth and/or children and youth charged with offenses that would not be felonies or misdemeanors if they were adults are not detained at the Training School. Procedures have been established to ensure that a juvenile is legally committed to the Training School and that youth are brought promptly before the Court if detained on an emergency basis by order of the Family Court duty judge after regular business hours.

Related Procedures

Lawful Detention or Confinement of Juveniles

Related Policy

Juvenile Rights and Responsibilities

Lawful Detention or Confinement of Juveniles

Procedure from Policy 1200.1600: Lawful Detention or Confinement of Juveniles

- A. All detentions or adjudications to the Training School must be ordered by a Family Court Judge. Youth are held at the Training School only if there exists:
 - 1. A pending petition setting forth facts which would constitute a felony or misdemeanor if committed by an adult.
 - 2. A valid Capias.
 - 3. A petition alleging a violation of a valid court order.
 - 4. An adjudication of contempt of court.
 - 5. An adjudication on a petition setting forth facts that would constitute a felony or misdemeanor if committed by an adult.
- B. Regular Detentions (Weekdays until 4:00 p.m.)
 - 1. Residents will not be detained at any of the facilities without a Detention or Remand Order.
 - 2. Detention and Remand Orders must accompany residents at the time of commitment, indicating the Judge's name and signed by the Court Clerk.
 - 3. Unit Manager, social worker or designated employee immediately notifies the resident's parents of the admission.
- C. Emergency Detentions (Weekends and Weekdays after 4:00 p.m.)
 - 1. Employees do not accept a resident without an Emergency Detention Order or a Capias approved by the Family Court.
 - 2. The employee contacts the Unit Manager or the Administrator-on-Call to determine the unit or facility assignment.
 - 3. The Unit Manager or the designated employee notifies the resident's parents of the detention and the date and place of the scheduled Family Court appearance. The notification or attempts at notification are logged in the Daily Unit Log Book.
 - 4. The resident placed in detention appears in Family Court the next day that Court is in session.
 - 5. The Emergency Detention Order Form or Capias is forwarded to the keeper of the records on the following day.
- D. Paragraphs A through C are consistent with American Correctional Association Standards 3-JTS-1A-06, 3-JTS-5A-01, 3-JDF-1A-08, 3-JDF-1A-09, 3-JDF-5A-02 and 3-JDF-5A-06.